

RETAINER-BASED DEFINED COMPENSATION

Schedule of Defined Compensation for CPCS Bar Advocate Counsel

[Proposed as of January 28, 2004]

Care and Protection Cases

COMPENSATION	DESCRIPTION OF SERVICES
\$350	Legal services at emergency hearing (if any) and 72 hour hearing
\$350	All pretrial legal services and post-trial motions, including discovery-related motions
\$100 plus \$45/hourly	Contested motion hearings
\$100	Each permanency hearing appearance
\$60/hour	Trial time
\$45/hour	Pretrial services beyond defined compensation schedule where CPCS determines to be necessary to preserve client's constitutional protections
\$30/hour	For miscellaneous services not included within scope of defined compensation schedule

Child in Need of Services Proceedings

COMPENSATION	DESCRIPTION OF SERVICES
\$175	All legal services pretrial and at trial/hearing
\$45/hour	Pretrial legal services where CPCS determines is necessary to preserve client's constitutional protections

Civil Appeals

COMPENSATION	DESCRIPTION OF SERVICES
\$700	Appointment as appellate counsel
\$700	Filing of appellate brief
\$700	Conclusion of oral argument
\$45/hour	Legal services beyond defined compensation where CPCS determines to be necessary to preserve client's constitutional protections

Criminal Appeals Involving Life Felonies

COMPENSATION	DESCRIPTION OF SERVICES
\$60/hour	Pre-hearing legal services
\$90/hour	Oral argument
\$4,000	Cap on total cost of legal services. Approval of CPCS required to exceed cap and for each \$2,500 of fees thereafter

Criminal Appeals (Excluding Life Felonies)

COMPENSATION	DESCRIPTION OF SERVICES
\$600	Appointment as appellate counsel
\$600	Filing of appellate brief
\$600	Conclusion of oral argument
\$45/hour	Legal services beyond defined compensation where CPCS determines to be necessary to preserve client's constitutional protections

Criminal Cases in All Departments (Excluding Superior Court and Youthful Offenders)

COMPENSATION	DESCRIPTION OF SERVICES
\$30	Any or all of the following: bail only appearance; probation detention hearing; bail revocation hearing; mental health competency or responsibility evaluation at arraignment; other limited appearances at or before arraignment
\$175	Pretrial representation, including arraignment, pretrial conference, pretrial hearing, discovery-related motions, compliance/election events, probable cause hearing, trial assignment date, continuances, non-contested motions and motions for which no brief or evidentiary hearing is required
Up to \$200	Motions where either brief or evidentiary hearing is required, with \$50 paid upon filing motion and \$50 paid upon hearing or argument and \$100 paid if the motion is allowed in whole or in part
\$100	Probation violation hearings, other than alleged new crime or, if alleged new crime where counsel also represents client in the underlying criminal case
\$175	Probation violation hearings alleging new crime, except where counsel represents the client in the underlying criminal case
\$60/hour	Trial time
\$45/hour	Pretrial services beyond defined compensation schedule where CPCS determines to be necessary to preserve client's constitutional protections
\$30/hour	For miscellaneous services not included within scope of defined compensation schedule

Civil Mental Health Proceedings in All Departments

COMPENSATION*	DESCRIPTION OF SERVICES
\$250	Civil commitment cases
\$300	Rogers cases
\$350	Combination cases involving both civil commitment and Rogers issues
\$100	G. L. c. 123, §§ 12 or 35 proceedings in all departments of the Trial Court excluding the Superior Court
\$300	G. L. c. 123, §§ 12 or 35 proceedings in the Superior Court

* ½ of fee paid upon assignment and ½ of fee paid upon disposition

Sexually Dangerous Persons Cases

COMPENSATION	DESCRIPTION OF SERVICES
\$1,500	All pretrial and trial legal services
\$60/hourly	Pretrial legal services where CPCS determines is necessary to preserve client's constitutional protections in Superior Court
\$90/hourly	Legal services at trial where CPCS determines is necessary to preserve client's constitutional protections in Superior Court

Sex Offender Registry Cases

COMPENSATION	DESCRIPTION OF SERVICES
\$500	All pre-hearing and hearing legal services

Life Felonies in Superior Court and Youthful Offenders

COMPENSATION	DESCRIPTION OF SERVICES
\$60/hour	Pretrial legal services
\$90/hour	Trial time
\$4,000	Cap on total cost of legal services. Approval of CPCS required to exceed cap and for each \$2,500 of fees thereafter

Criminal Cases in Superior Court and Youthful Offender Cases (Excluding Cases Involving Life Felonies)

COMPENSATION	DESCRIPTION OF SERVICES
\$90	Any or all of the following: bail reviews; bail only appearance; probation detention hearing; bail revocation hearing; mental health competency or responsibility evaluation at arraignment; other limited appearances at or before arraignment
\$500	Pretrial representation, including arraignment, pretrial conference, pretrial hearing, discovery-related motions, compliance/election events, probable cause hearing, trial assignment date, continuances, non-contested motions and motions for which no brief or evidentiary hearing is required
Up to \$800	Motions where either brief or evidentiary hearing is required, with \$200 paid upon filing motion and \$200 paid upon hearing or argument and \$400 paid if the motion is allowed in whole or in part
\$300	Probation violation hearings, other than alleged new crime or, if alleged new crime where counsel also represents client in the underlying criminal case
\$500	Probation violation hearings alleging new crime, except where counsel represents the client in the underlying criminal case
\$90/hour	Trial time
\$60/hour	Pretrial services beyond defined compensation schedule where CPCS determines to be necessary to preserve client's constitutional protections
\$30/hour	For miscellaneous services not included within scope of defined compensation schedule